



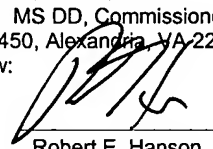
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October 15, 2003

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
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October 15, 2003	
Date	Robert E. Hanson

MS DD

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RE: *U.S. Patent Application No. 10/660,097 entitled "METHODS AND COMPOSITIONS FOR EXPRESSION OF TRANSGENES IN PLANTS" – Alan L. Kritz et al.*
Our reference: DEKM:158USC1
Client reference: 45-15(51224); REN-00-140


Sir:

Enclosed for filing in the above-referenced patent application is an Information Disclosure Statement and Form PTO-1449.

No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to the enclosed materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/DEKM:158USC1.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,


Robert E. Hanson
Reg No. 42,628

REH/kmv
Encl.: as noted

25341080.1



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Alan L. Kritz *et al.*

Serial No.: 10/660,097

Filed: September 11, 2003

For: METHODS AND COMPOSITIONS FOR
EXPRESSION OF TRANSGENES IN
PLANTS

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: DEKM:158USC1

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October 15, 2003

Date

Robert E. Hanson

INFORMATION DISCLOSURE STATEMENT

MS DD

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R §§ 1.97(g), (h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be

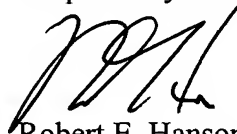
an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/DEKM:158USC1.

This application is a continuation application of Serial No. 09/078,972, filed May 14, 1998 and is relied upon for an earlier filing date under 35 U.S.C. § 120. In accordance with Rule 37 C.F.R. § 1.98(d) copies of the listed documents are not enclosed as they have been previously cited by or submitted to the Patent and Trademark Office in prior application Serial No. 09/078,972.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,



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Attorney for Applicants

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Date: October 15, 2003



Form PTO-1449 (modified)

List of Patents and Publications for Applicant's

INFORMATION DISCLOSURE STATEMENT

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Atty. Docket No.

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Applicant

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September 11, 2003

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Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.

Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B1	WO 95/06128	03/02/95	PCT			

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C1	Belanger and Kriz, "Molecular basis for allelic polymorphism of the maize globulin-1 gene," <i>Genet.</i> , 129:863-872, 1991.
	C2	Chen <i>et al.</i> , "Minimal regions in the Arabidopsis Pistillata promoter response to the apetala3/pistillata feedback control do not contain CarG box," <i>Sex Plant Reprod.</i> , 13:85-94, 2000.
	C3	U.S. Patent Application Serial No. 08/763,704 filed December 9, 1996, issued as U.S. Patent Document 6,326,527.
	C4	de Freitas <i>et al.</i> , "Structural characterization and promoter activity analysis of the gamma-kafirin gene from sorghum," <i>Molecular and General Genetics</i> , 245(2):177-186, 1994.
	C5	Dehio and Schell, "Identification of plant genetic loci involved in a posttranscriptional mechanism for meiotically reversible transgene silencing," <i>Proc. Natl. Acad. Sci. USA</i> , 91:5538-5542, 1994.
	C6	Donald <i>et al.</i> , "Mutation of either G box or I box sequences profoundly affects expression from the Arabidopsis rbcS-1A promoter," <i>The EMBO Journal</i> , 9(6):1717-1726, 1990.
	C7	Ingelbrecht <i>et al.</i> , "Post-transcriptional silencing of reporter transgenes in tobacco correlates with DNA methylation," <i>Proc. Natl. Acad. Sci. USA</i> , 91:10502-10506, 1994.
	C8	Jorgensen, "Altered gene expression in plants due to trans interactions between homologous genes," <i>Trends Biotechnol.</i> , 8:340-44, 1990.

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Foreign Patent Documents

See Page 1

Other Art

See Page 1

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C9	Jorgensen, "Cosuppression, flower color patterns, and metastable gene expression states," <i>Science</i> , 268:686-691, 1995.
	C10	Kim <i>et al.</i> , "a 20 nucleotide upstream element is essential for the eopaline synthase (nos) promoter activity," <i>Plant Molecular Biology</i> , 24:105-117, 1994.
	C11	Kriz <i>et al.</i> , "Structural and transcriptional analysis of DNA sequences flanking genes that encode 19 kilodalton zeins," <i>Mol. Gen. Genet.</i> , 207(1):90-98, 1987.
	C12	Langridge and Feix, "A zein gene of maize is transcribed from two widely separated promoter regions," <i>Cell</i> , 34:1015-1022, 1983.
	C13	Leite <i>et al.</i> , "Nucleotide sequence of a cDNA Clone Encoding γ -coixin from <i>Coix lacryma-jobi</i> seeds," <i>Plant Physiol.</i> 97:1604-1605, 1991.
	C14	Leite <i>et al.</i> , "Phylogenetic relationship of zeins and coixins as determined by immunological cross-reactivity and Southern Blot analysis," <i>Plant Mol. Biol.</i> 14:743-751, 1990.
	C15	Lindbo <i>et al.</i> , "Induction of a highly specific antiviral state in transgenic plants: implications for gene regulation and virus resistance," <i>Plant Cell</i> , 5:1749-1759, 1993.
	C16	Matzke and Matzke, "How and why do plants inactivate homologous (trans)genes?," <i>Plant Physiol.</i> , 107:679-685, 1995.
	C17	Matzke <i>et al.</i> , "A variety of epistatic interactions can occur between partially homologous transgene loci brought together by sexual crossing," <i>Mol. Gen. Genet.</i> , 236:379-86, 1993.
	C18	Matzke <i>et al.</i> , "Homology-dependent gene silencing in transgenic plants: epistatic silencing loci contain multiple copies of methylated transgenes," <i>Mol. Gen. Genet.</i> , 244:219-229, 1994.
	C19	Meyer, "Understanding and controlling transgene expression," <i>Trends Biotechnol.</i> , 13:332-337, 1995.
	C20	Mueller <i>et al.</i> , "Homology-dependent resistance transgenic virus resistance in plants related to homology-dependent gene silencing," <i>Plant J.</i> , 7:1001-1013, 1995.
	C21	Napoli <i>et al.</i> , "Introduction of a chimeric chalcone synthase gene into petunia results in reversible co-suppression of homologous genes <i>in trans</i> ," <i>Plant Cell</i> , 2:279-289, 1990.

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Other Art

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Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C22	Neto <i>et al.</i> , "The involvement of opaque 2 on β -prolamin gene regulation in maize and <i>Coix</i> suggests a more general role for this transcriptional activator," <i>Plant Mol. Biol.</i> 27:1015-1029, 1995.
	C23	Neuhuber <i>et al.</i> , "Susceptibility of transgene loci to homology-dependent gene silencing," <i>Mol. Gen. Genet.</i> , 244:230-241, 1994.
	C24	Ottoboni <i>et al.</i> , "Sequence analysis of 22 KDA-like alpha coixin genes reveals highly conserved protein structure and regulatory elements," <i>Plant Molecular Biology</i> , 21(5):765-778, 1993.
	C25	Ottoboni <i>et al.</i> , Sequence analysis of 22kDa-like α -coixin genes and their comparison with homologous zein and kafirin genes reveals highly conserved protein structure and regulatory elements," <i>Plant Molecular Biology</i> , 21:765-778, 1993.
	C26	Ottoboni <i>et al.</i> , Sequence analysis of 22kDa-like α -coixin genes and their comparison with homologous zein and kafirin genes reveals highly conserved protein structure and regulatory elements," EMBL GenBank Database Accession No. X63113 from the World Wide Web at site: http://www.ncbi.nlm.nih.gov .
	C27	Park <i>et al.</i> , "Gene silencing mediated by promoter homology occurs at the level of transcription and results in meiotically heritable alterations in methylation and gene activity," <i>Plant</i> , 9:183-194, 1996.
	C28	Reina <i>et al.</i> , "Sequence analysis of a genomic clone encoding a Zc2 protein from Zea mays W64 A," <i>Nucl. Acids Res.</i> , 18(21):6426, 1990.
	C29	Siebert <i>et al.</i> , "An improved PCR method of walking in uncloned genomic DNA," <i>Nucl. Acids Res.</i> , 23:1087-1088, 1995.
	C30	Van Blokland <i>et al.</i> , "Transgene-mediated suppression of chalcone synthase expression in <i>Petunia hybrida</i> results from an increase in RNA turnover," <i>Plant J.</i> , 6:861-877, 1994.
	C31	Van der Krol <i>et al.</i> , "Flavonoid genes in petunia: addition of a limiting number of copies may lead to a suppression of gene expression," <i>Plant Cell</i> , 2:291-99, 1990.
	C32	Vaucheret, "Identification of a general silencer for 19S and 35S promoters in a transgenic tobacco plant: 90bp of homology in the promoter sequence are sufficient for trans-inactivation," <i>C.R. Acad. Sci. III</i> , 316:1471-83, 1993.

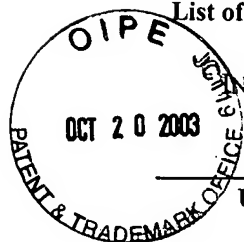
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Applicant
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*See Page 1*Other Art
*See Page 1***Other Art (Including Author, Title, Date Pertinent Pages, Etc.)**

Exam. Init.	Ref. Des.	Citation
	C33	Vettore <i>et al.</i> , "The molecular and functional characterization of an Opaque2 homologue gene from Coix and a new classification of plant bZIP proteins," <i>Plant Molecular Biology</i> , 36(2):249-263, 1998.
	C34	Vettore <i>et al.</i> , "The molecular and functional characterization of an Opaque2 homologue gene from Coix and a new classification of plant bZIP proteins," <i>Plant Mol. Biol.</i> 36:249-263, 1998.
	C35	Wandelt and Feix, "Sequence of a 21 kd zein gene from maize containing an in-frame stop codon," <i>Nucl. Acids Res.</i> , 17(6):2354, 1989.
	C36	Yunes <i>et al.</i> , "The transcriptional activator Opaque2 recognizes two different target sequences in the 22-kD-like α -prolamin genes," <i>The Plant Cell</i> 6:237-249, February 1994

25341068.1

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